

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO. O-10-2020-020

**AN ORDINANCE OF THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY TO AMEND THE CODE OF THE TOWNSHIP OF
MONROE TO ADD A NEW CHAPTER 80
ENTITLED “PROHIBITION OF SHORT-TERM RENTALS”**

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex and State of New Jersey as follows:

SECTION 1. The Township Code of the Township of Monroe is hereby amended and supplemented to establish new Chapter 80 entitled “Prohibition of Short-Term Rentals” which shall read as follows:

Chapter 80

Prohibition of Short-Term Rentals

§ 80-1 Purpose and scope.

- A. The Township of Monroe is authorized to regulate buildings used for sleeping, lodging and occupancy for purposes including but not limited to boarding houses, rooming houses, rental housing or other living units pursuant to N.J.S.A. 40:52-9(d) and (n). In addition, N.J.S.A. 40:48-2.12a provides that the governing body of a municipality may make, amend and repeal and enforce ordinances to regulate buildings and structures and their use and occupation to and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality. This Chapter aims to preserve housing for long-term tenants and to minimize the potential deleterious effects of short-term rental properties on other properties in the surrounding residential neighborhoods in which they are located. The increasingly widespread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods has been popularized and facilitated by various websites that advertise and broker these rentals. Left unaddressed, this practice has the potential to make it increasingly difficult for people to locate permanent housing and have an adverse effect on the health, safety and quiet enjoyment of the affected neighborhoods.
- B. This Chapter does not apply to lawfully established and operating hotels, motels, rooming houses, boardinghouses and bed-and-breakfast establishments/units.

§ 80-2 Definitions.

As used in this section, the following words shall mean:

“Advertise or Advertising” shall mean any form of solicitation, promotion or communication for marketing, used to induce, directly or indirectly, any person into contracting for services for the purpose of establishing occupancies or uses of residential property for which are prohibited by this Chapter.

“Bed and breakfast establishment” shall mean a lodging use where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

“Bed and breakfast unit” shall mean a room within a bed and breakfast that is offered or provided to a guest(s) by a bed and breakfast operator for a fee for fewer than thirty (30) consecutive nights.

“Consideration” shall mean any legally recognized form of consideration including a promise or benefit, a quid pro quo, rent fees, other form of payment or any other thing of value.

“Dwelling Unit” shall mean any room or group of rooms, whether furnished or unfurnished, intended, arranged or designed to be occupied, for living, sleeping, cooking, gathering and/or entertaining by one or more persons.

“Fee” shall mean remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

“Housekeeping Unit” shall mean a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable decisions of the New Jersey Courts.

“Occupant” shall mean any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessor right(s) within a Dwelling Unit.

“Owner” shall mean any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

“Person” shall mean any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

“Property” shall mean a parcel of real property located within the boundaries of the Township of Monroe, Middlesex County, New Jersey.

“Residential Property” shall mean all or any portion of any lot, tract or parcel of land on which is located one or more Dwelling Units, or which is zoned for residential uses.

§80-3 Short Term Rental of Dwelling Units and Residential Property Prohibited.

- A. Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person or entity with possessory right in a Dwelling Unit, their principals, partners or shareholders, or their agents, employees or representatives to receive or obtain actual or anticipated consideration for advertising, offering and/or permitting, allowing or suffering the use or occupancy of any Dwelling Unit or of any Residential Property, as defined herein, for a period of less than thirty (30) consecutive days.
- B. Nothing herein shall be deemed to prevent the otherwise lawful occupancy of a Dwelling Unit or a Residential Property for a rental period of more than thirty (30) days.
- C. The provisions of this Chapter shall not apply to hotels, motels, rooming houses, boardinghouses and bed-and-breakfast establishments/units otherwise permitted under other Chapters of the Township Code.

§ 80-4 Rentals of Amenities.

The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with a dwelling is prohibited.

§ 80-5 Permitted Uses.

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by any occupant who is a member of the Housekeeping Unit of the Owner, without consideration or a fee, is not prohibited by this Chapter.

§ 80-6 Advertising Prohibited.

It shall be unlawful to advertise, solicit or promote by any means, any action in violation of this Chapter.

§ 80-7 Enforcement, Violations and Penalties.

- A. The provisions of this Chapter may be enforced by the Construction Code Official, Fire Official, Health Department or Code Enforcement Officer.
- B. Every person convicted of a violation of a provision of this Chapter shall be subject to the maximum fines and penalties established by N.J.S.A. 40:69A-29, and subsequent amendments thereto.
- C. Each and every day a violation of this Chapter persists shall constitute a separate violation.
- D. To the extent the conduct prohibited under this article also violates other provisions of the Township Code, those violations constitute separate offenses subject to additional fines and penalties as prescribed.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication according to law.

MIRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION –October 5, 2020						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin			X			
Councilman Dalina			X			
Councilman Dipierro		X	X			
Council V. President Schneider	X		X			
Council President Cohen			X			

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on October 5, 2020. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on November 4, 2020 at 6:30 p.m. via Zoom at <https://us04web.zoom.us/j/106827708>. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

PATRICIA REID, Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION– November 4, 2020						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin						
Councilman Dalina						
Councilman Dipierro						
Council V. President Schneider						
Council President Cohen						

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MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

GERALD W. TAMBURRO, Mayor

Date signed: _____